

Panaji, 29th May, 2008 (Jyaistha 8, 1930)

SERIES I No. 9

# OFFICIAL GOVERNMENT OF GOA GAZETTE



*Note: There are two Extraordinary issues to the Official Gazette, Series I No. 8 dated 22-5-2008 as namely:-*

- (1) *Extraordinary dated 22-5-2008 from pages 393 to 396 regarding Notification from Department of Public Health.*
- (2) *Extraordinary (No. 2) dated 28-5-2008 from pages 397 to 398 regarding Notification from Department of Power (Office of the Chief Electrical Engineer).*

## GOVERNMENT OF GOA

### Department of Law & Judiciary

Legal Affairs Division

#### Notification

10/2/2007-LA/256

The Inland Vessels (Amendment) Act, 2007 (Central Act No. 35 of 2007), which has been passed by Parliament and assented to by the President of India on 17-9-2007 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 17-9-2007, is hereby published for general information of the public.

*Julio B. Noronha*, Under Secretary (Law).

Porvorim, 13th November, 2007.

### THE INLAND VESSELS (AMENDMENT) ACT, 2007

AN

ACT

*further to amend the Inland Vessels Act, 1917.*

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Inland Vessels (Amendment) Act, 2007.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*— In section 1 of the Inland Vessels Act, 1917 1 of 1917. (hereinafter referred to as the principal Act), in sub-section (2), the proviso shall be omitted.

3. *Amendment of section 2.*— In section 2 of the principal Act, in sub-section (1),—

(i) for clauses (a), (b) and (c), the following clauses shall, respectively, be substituted, namely:—

‘(a) “inland vessel” or “inland mechanically propelled vessel” means a mechanically propelled vessel, which ordinarily plies on inland water, but does not include fishing vessel and a ship registered under the Merchant Shipping Act, 1958;

44 of 1958.

(b) “inland water” means—

(i) any canal, river, lake or other navigable water within a State,

(ii) any area of any tidal water deemed to be the inland water as defined by the Central Government under section 70,

(iii) waters declared by the Central Government to be smooth and partially smooth waters under clause (41) of section 3 of the Merchant Shipping Act, 1958;

44 of 1958.

(c) “mechanically propelled vessel” means every description of vessel propelled wholly or in part by electricity, steam or other mechanical power including dumb vessel towed by the mechanically propelled vessel and vessel propelled by outboard motor;”;

(ii) after clause (g), the following clause shall be inserted, namely:—

‘(ga) “tidal water” has the meaning assigned to it in clause (49) of section 3 of the Merchant Shipping Act, 1958;’. 44 of 1958.

4. *Amendment of section 3.*— In section 3 of the principal Act, in sub-section (1),—

(i) for the words “and applicable to such voyage or service”, the words “in the zone intended for operation and applicable to such voyage or service in such zone” shall be substituted;

(ii) the following *Explanation* shall be inserted at the end, namely:—

‘*Explanation.*— For the purposes of this sub-section, “zone” means any such inland water area as the State Government may, depending on the maximum significant wave height criteria, by notification in the Official Gazette, specify for the purposes of this Act.’.

5. *Insertion of new section 9A.*— After section 9 of the principal Act, the following section shall be inserted, namely:—

“9A. *Temporary permit.*— The surveyor who conducted the survey may, without following the procedure laid down in section 9, grant a permit to the effective for a period which shall not in any case exceed forty-five days, to authorise the inland mechanically propelled vessel to proceed on voyage or use in service temporarily pending the issue of the certificate of survey.”.

6. *Amendment of section 19I.*— In section 19I of the principal Act, in sub-section (3), for the words “twelve months”, the words “thirty-six months” shall be substituted.

7. *Amendment of section 22.*— In section 22 of the principal Act,—

(i) in sub-section (1), for the words and figures “an inland mechanically propelled vessel for a

period of three years before the first day of November, 1956”, the words “a vessel of the Coast guard, Indian Navy or regular Army for a period as may be prescribed by the State Government in this behalf” shall be substituted;

(ii) after sub-section (1), the following *Explanation* shall be inserted at the end, namely:—

‘*Explanation.*— For the purposes of this section,—

(a) the expression “Coast Guard” shall have the meaning assigned to it in clause (d) of section 2 of the Coast Guard Act, 1978; 30 of 1978.

(b) the expression “Indian Navy” shall have the meaning assigned to it in clause (10) of section 3 of the Navy Act, 1957; 62 of 1957.

(c) the expression “regular Army” shall have the meaning assigned to it in clause (xxi) of section 3 of the Army Act, 1950.’. 46 of 1950.

8. *Amendment of section 30.*— In section 30 of the principal Act, clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

“(a) the period of service in the Coast Guard, Indian Navy or regular Army which is required for a person to be granted a certificate without examination under section 22,”.

9. *Substitution of new section for section 31.*— For section 31 of the principal Act, the following section shall be substituted, namely:—

“31. *Effect of certificates of competency or service and licences.*— A certificate of competency or service and licence granted under this Chapter shall have effect throughout India.”.

10. *Amendment of section 52.*— In section 52 of the principal Act, in sub-section (2),—

(a) in clause (i), the word “and” occurring at the end shall be omitted;

(b) after clause (j), the following clauses shall be inserted, namely:—

“(k) prescribed the requirements that the hull, equipment and machinery of inland

mechanically propelled vessel shall comply with;

(l) prescribe the requirement of life saving appliances; and

(m) prescribe the apparatus required for communication and navigation.”.

11. *Substitution of new section for section 54C.*— For section 54C of the principal Act, the following section shall be substituted, namely:—

*‘54C. Application of section 134, Chapters X, XI and XII of the Motor Vehicles Act, 1988 in relation to the mechanically propelled vessels.*— The provisions of section 134, Chapters X, XI and XII of the Motor Vehicles Act, 1988 shall, as far as may be apply, in 59 of 1988. relation to the mechanically propelled vessels as they apply in relation to motor vehicles, subject to the following modifications, namely:—

(a) in section 134 and throughout in Chapters X, XI and XII,—

(i) references to “motor” or “motor vehicle” or “vehicle” shall be construed as references to “mechanically propelled vessel”;

(ii) references to “public place” shall be construed as references to “inland water”;

(iii) references to “public service vehicle” shall be construed as references to “public service vessel”;

(iv) references to “goods vehicle” shall be construed as references to “goods service vessel”;

(v) references to “State Transport” shall be construed as references to “State Water Transport”;

(vi) references to “driver” or “driver of a vehicle” shall be construed as references to “master of a vessel”;

(vii) references to “driving licence” shall be construed as references to “a certificate granted under Chapter III of the Inland Vessels Act, 1917”;

1 of 1917.

(viii) references to “permit” shall be construed as references to “a certificate of registration granted under section 19F of the Inland Vessels Act, 1917”;

1 of 1917.

and such other consequential amendments as the rules of grammar may require, shall also be made;

(b) in section 145,—

(i) after clause (a), the following clause shall be inserted, namely:—

‘(aa) “goods service vessel” means any mechanically propelled vessel used or adapted to be used for carriage of cargo for hire or reward;’;

(ii) after clause (d), the following clause shall be inserted, namely:—

‘(da) “public service vessel” means any mechanically propelled vessel used or adapted to be used for the carriage of passengers for hire or reward;’;

(iii) after clause (e), the following clause shall be inserted, namely:—

‘(e) “property” includes goods carried in the inland vessel, bridges, landing facilities, navigation marks and infrastructure;’;

(iv) after clause (f), the following clause shall be inserted, namely:—

‘(fa) “route” means a line of travel which specifies the water-way which may be traversed by a mechanically propelled vessel between one terminal and another;’;

(c) in section 149, in sub-section (2), in clause (a),—

(i) in sub-clause (i),—

(A) in item (c), for the words “transport vehicle”, the words “public service vessel or goods service vessel” shall be substituted;

(B) item (d) shall be omitted;

(ii) in sub-clause (ii), for the words “not duly licensed”, the words and figures “not holding a certificate granted under Chapter III of the Inland

Vessels Act, 1917" shall be substituted;

(d) in section 158,—

(i) for the words "transport vehicle", wherever they occur, the words "public service vessel or goods service vessel" shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;

(ii) in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

"(d) the certificate of survey granted under section 9 of the Inland Vessels Act, 1917,"; 1 of 1917.

(e) in section 161, in sub-section (3),—

(i) in clause (a), for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted;

(ii) in clause (b), for the words "twelve thousand and five hundred rupees", the words "twenty five thousand rupees" shall be substituted;

(f) in section 165, in sub-section (1), for the words "Motor Accidents Claims Tribunals", the words "Inland Vessel Accidents Claims Tribunals" shall be substituted.'

12. *Insertion of new Chapter VIAB.*— After Chapter VIA of the principal Act, the following Chapter shall be inserted, namely:—

#### 'CHAPTER VIAB

##### Prevention and control of pollution and protection of Inland Water

54D. *Definitions.*— In this Chapter, unless the context otherwise requires,—

(a) "hazardous chemical" or "obnoxious substance" means any chemical or substance, as the case may be, which has been designated as such by rules made under this Chapter;

(b) "oil" means any persistent oil such as crude oil, heavy diesel oil, lubricating oil and white oil, whether carried on board a tanker as cargo or fuel;

(c) "oily mixture" means a mixture with any oil content.

54E. *Prohibition as to discharge of oil, oily mixture, etc. in the inland water.*— No oil or oily mixture, hazardous chemical or obnoxious substance from a mechanically propelled vessel shall be discharged in inland water:

Provided that nothing in this section shall apply to the discharge of such oil or oily mixture, hazardous chemical or obnoxious substance from a mechanically propelled vessel for the purpose of securing the safety of a mechanically propelled vessel, preventing damage to a mechanically propelled vessel, cargo or saving of life at inland water.

54F. *Reception facilities at inland port, etc.*— (1) The owner or operator of an inland port, at cargo or passenger terminal, as the case may be, shall provide reception facilities to discharge oil, oily mixture, hazardous chemical or obnoxious substance at such inland port, cargo or passenger terminal.

(2) The owner or operator of an inland port, at cargo or passenger terminal, as the case may be, providing reception facilities at any inland port, a cargo or passenger terminal may make charges for the use of the facilities at such rates and may impose such conditions in respect of use thereof as may be approved by notification in the Official Gazette, by the State Government in respect of the inland port, cargo or passenger terminal.

(3) For the purposes of minimizing the pollution already caused, or for preventing the pollution threatened to be caused, the State Government may direct, by order in writing, the owner or operator of an inland port, at cargo or passenger terminal to provide or arrange for the provision of such pollution containment equipments and pollutant removing materials at such inland port, cargo and passenger terminal as may be specified in the order.

54G. *Power of entry, inspection, etc.*— (1) Any surveyor or any person authorised under this Act in this behalf may, at any reasonable time, enter and inspect any inland port, at cargo or passenger terminal for the purposes of—

(a) ensuring the provisions of this Chapter are complied with;

(b) verifying whether such inland port, at cargo or passenger terminal is provided with

the pollution containment equipment and pollutant removing materials in conformity with the order of the State Government or the rules made under this Chapter; and

(c) satisfying himself about the adequacy of the measures taken to prevent pollution.

(2) If the surveyor finds that the inland port, at cargo or passenger terminal is not provided with the aforesaid equipment and materials, he shall give notice to the owner or operator of such inland port, cargo or passenger terminal, as the case may be, a notice in writing pointing out the deficiency and also what in his opinion is requisite to remedy the said deficiency.

(3) No owner or operator of such inland port, at cargo or passenger terminal, as the case may be, served with the notice under sub-section (2), shall proceed with any work at such inland port, cargo or passenger terminal, as the case may be, until he obtains a certificate signed by the surveyor to the effect that the inland port, cargo or passenger terminal, as the case may be, is properly provided with the aforesaid equipment and materials in conformity with the rules made under this Chapter.

54H. *Powers of Central Government to make rules for prevention and control of pollution.*— (1) The Central Government may make rules for the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the designated hazardous chemical and obnoxious substance under clause (a) of section 54D;

(b) prescribe fitment of oily mixture treatment equipment on shore and on board in certain cases;

(c) prescribe details of reception facilities at inland port, cargo or passenger terminal;

(d) prescribe the forms and record books for inland port, cargo or passenger terminal and the manner in which such books shall be maintained, the nature of entries to be made therein, the time and circumstances in which such entries shall be made, the custody and disposal thereof and all other matters relating thereto;

(e) any other matter which is to be, or may be, prescribed.'.

13. *Insertion of new sections 62D and 62E.*— After section 62C of the principal Act, the following sections shall be inserted, namely:—

'62D. *Punishment for offences relating to pollution.*— Whoever contravenes any provision of Chapter VIAB or of any rule made thereunder, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.

62E. *Offences by companies.*— (1) Where an offence under Chapter VIAB has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained sub-section (1), where an offence under Chapter VIAB has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.'.

14. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of

this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of the principal Act as amended by this Act or this Act as may appear to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date on which this Act comes into force.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

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**Notification**

10/2/2007-LA (Part file)/23

The Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008 (Ordinance No. 5 of 2008), which has been promulgated by the President in the Fifty-ninth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II, Section 1, No. 5, dated 7-2-2008, is hereby published for general information of the public.

*Julio B. Noronha*, Under Secretary (Law).

Porvorim, 27th February, 2008.

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**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

*New Delhi, the 7th February, 2008/Magha 18,  
1929 (Saka)*

**THE PRASAR BHARATI (BROADCASTING  
CORPORATION OF INDIA) AMENDMENT  
ORDINANCE, 2008**

No. 5 of 2008

*Promulgated by the President in the Fifty-ninth  
Year of the Republic of India.*

An Ordinance further to amend the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

Whereas, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008.

(2) It shall come into force at once.

2. *Amendment of section 6.*— In section 6 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990,— 25 of 1990.

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) The Chairman shall be Part-time Member and shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Provided that any person holding office as a Chairman immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008, shall, in so far as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Chairman and shall not be entitled to any compensation because of his ceasing to hold such office.”.

(b) in sub-section (2), the words “The Executive Member,” shall be omitted;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The Executive Member shall be a Whole-time Member and shall hold office for a term of five years from a date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier:

Provided that any person holding office as an Executive Member immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008 shall, in so far as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Executive Member and shall not be entitled to any compensation because of his ceasing to hold such office.”.

PRATIBHA DEVISINGH PATIL,  
*President*

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K. D. SINGH,  
*Secy. to the Govt. of India.*

**Notification**

10/2/2007-LA/117

The Tyre Corporation of India Limited (Disinvestment of Ownership) Act, 2007 (Central Act No. 50 of 2007), which has been passed by Parliament and assented to by the President of India on 12-12-2007 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 13-12-2007, is hereby published for general information of the public.

*Julio B. Noronha*, Under Secretary (Law).

Porvorim, 27th April, 2008.

THE TYRE CORPORATION OF INDIA  
LIMITED (DISINVESTMENT OF  
OWNERSHIP) ACT, 2007

AN

ACT

*to provide for disinvestment of Government's equity in the Tyre Corporation of India Limited and for matters connected therewith or incidental thereto.*

Whereas the Inchek Tyres Limited and the National Rubber Manufacturers Limited, engaged in the manufacture, production and distribution of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951, namely, tyres, tubes and other rubber goods, were nationalised under the Inchek Tyres Limited and National Rubber Manufacturers Limited (Nationalisation) Act, 1984 and transferred to, and vested in, the Tyre Corporation of India Limited, Calcutta from the 5th day of March, 1984;

And whereas for the purpose of securing optimum utilisation of available facilities for the manufacture, production and distribution of tyres, tubes and other rubber goods, investment of large amount is necessary;

And whereas it is expedient to disinvest the Government's equity in the Tyre Corporation of India Limited, Kolkata to enable the private sector to have investment made to ensure that the interest of general public are served by the continuance of the manufacture, production and distribution of the aforesaid articles which are essential to the needs of the economy of a country.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called Tyre Corporation of India Limited (Disinvestment of Ownership) Act, 2007.

2. *Disinvestment in the company.*— Where the Central Government, on the recommendation of the Board for Reconstruction of Public Sector Enterprises, is of the opinion that disinvestment is to be made in the Tyre Corporation of India Limited (hereinafter referred to as the company), it may pass an order providing for transfer, exchange or relinquishment of shares in the company to any person on such terms and conditions as may be agreed upon.

3. *Payment of consideration for disinvestment in the company.*— (1) For the transfer to, and vesting in, any person, the shares of the company, there shall be given to the Central Government by such person or in case such person is a company, by such company, such consideration, having regard to the optimum valuation of land, assets and liabilities of company in accordance with a valuation method as specified by the Central Government.

(2) The manner of payment of consideration for transfer of shares of the company to the transferee shall be such as may be agreed upon between the transferor, the company and transferee, the person or the company, as the case may be.

4. *Manner of disinvestment.*— The Central Government may, in its order made under section 2, specify that disinvestment of shares shall be effected by one or more of the following methods as may be specified in such order, namely:—

(a) by making a public offer or preferential allotment or private placement in accordance with such procedure as applicable in case of any other Government Company;

(b) by directing the company to make further issue of equity capital to the members of the public or preferential allotment or private placement, as the case may be, in accordance with such procedure as applicable in case of the Government company.

5. *Provision in respect of officers and other employees of the company.*— (1) Every officer or other employee of the company, except the Chairman and Directors, serving in its employment immediately before the disinvestment of the

company under this Act, shall continue in office or service after such disinvestment, on same terms and conditions as would have been admissible to him if there had been no such disinvestment and shall continue to do so until the expiry of the period of three years from the date of disinvestments.

(2) Where an officer or other employee of the company opts under sub-section (1) not to be in the employment or service of the company, such officer or other employee shall be deemed to have resigned.

6. *Act to have overriding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Inchek Types Limited and National Rubber Manufacturers Limited (Nationalisation) Act, 1984 or any other law for the time being in force.

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Department of Public Health

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**Order**

4/1/2008-IV/PHD

Sanction of the Government is hereby accorded for revival of one post of Lecturer in Oral Medicine

and Oral Diagnosis (Group "A" Gazetted) in Goa Dental College and Hospital with immediate effect, in the pay scale of Rs. 8000-275-13500.

The expenditure towards the pay and allowances is debitable to the Budget Head-2210—Medical and Public Health; 05—Medical Education, Training and Research; 105—Allopathy; 02—Goa Dental College and Hospital (NON-PLAN); 01—Salaries.

This issues with the recommendation of Administrative Reforms Department vide their U.O No. 141/F dated 3-4-2008 and concurrence of Finance (Rev. & Cont.) Department, vide their U. O. No. Fin.(Rev. & Cont.)/1309 dated 30-4-2008.

By order and in the name of the Governor of Goa.

*D. G. Sardesai*, Joint Secretary (Health).

Porvorim, 5th May, 2008.